

On behalf of Legal Momentum, advancing the rights of women and girls by using the power of the law and creating innovative public policy, we submit these comments in MB Docket No.04-207, a proceeding to examine cable a la carte. As an organization strongly committed to equality for women, Legal Momentum understands the power of the media in American society to positively impact women's lives. Increased access and exposure to media informs women when their rights are at risk, promotes positive images of women, and helps them to make informed decisions about their future and the future of this country. For this reason we strongly support greater diversity in media ownership, employment and programming.

We understand that the instant proceeding is intended to inform the Commission's examination of cable a la carte, a proposal that would permit consumers to buy cable channels individually rather than in bundles. Legal Momentum believes that the proposal could have a significant negative impact on the so-called "niche" networks, such as Oxygen, that cater to particular interests or demographics such as women, minorities, gays and lesbians and non-English language speakers. As the record in this proceeding reveals, these programmers view cable a la carte as an extreme threat to their survival. They believe that it would undermine existing multicultural networks, erect a substantial barrier to entry for new networks and erode media diversity.¹

Niche networks that cater to women and other targeted audiences already have a very difficult time getting distribution on cable. A la carte would only exacerbate this problem and make it more difficult for these channels to attract advertisers or subscribers. If a la carte is enacted, there would be less diversity and fewer channels devoted to women and minorities. As a recent GAO report concluded, "some cable networks, especially the small and independent networks would not be able to gain enough subscribers to support the network."²

In keeping with Legal Momentum's commitment to women's empowerment and equality, we urge the FCC to heed the concerns expressed by multicultural programmers and civil rights groups regarding the impact of cable a la carte on media diversity and to recommend to Congress that it not be enacted.³ It would be unfortunate if a proposal which intended to give consumers more choice and control were to inadvertently reduce diversity in programming and with it the number of women and minority owners, executives and employees in the cable industry.

Sincerely,

Leslie Calman

¹ See, for example, the letter to the House Energy and Commerce Committee signed by the chief executives of BET Holdings, TV One, the International Channel, and Si TV.

² Report to the Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate: "Issues Related to Competition and Subscriber Rates in the Cable Television Industry." United States General Accounting Office. Report 04-8: October 2003.

³ Organizations that have expressed concerns about the impact of a la carte on diversity in letters to Congress include the NAACP, the Minority Media and Telecommunications Council, and the National Asian Pacific American Legal Consortium and the Black Caucus.